

## **REMARKS / ARGUMENTS**

### **Corrections**

The format for claim numbering has been revised to the form currently in use for patent application publication (e.g. format "[c1]" changed to "1"). This is the only change made by these amendments to claims 2-9, 11-18, and 20-26.

Table II and Table III have been corrected as to manufacturer's designation of the polypropylene material. In accordance with paragraph [42], the "i" in polymers Ti4007, Ti4110 and Ti4119 refers to "impact" and not isotactic. fnd Claims 1, 19; paragraphs [19] and [65] and the Abstract have been similarly corrected.

Claims 1, 10 and 19 have been amended to correctly identify the plasticizer PX-338 from Aristech Chemical Co. as tri-2-ethylhexyl trimellitate. This correction is also made to Table V. It is noted that tri-2-etthylhexyl trimellitate is available from numerous suppliers and is often identified by the acronym "TOTM".

Claims 2, 11 and 20 have been corrected to conform to the descriptions for impact modifiers identified in paragraph [39] of the specification.

### **Election/Restrictions**

In accordance with communications with the examiner, claims 1 and 10 have been amended to obviate this requirement. In essence, constituents of the thermoplastic scrap are better identified. The ranges identified in claims 4 and 13 relate to manufacturing variations during production testing. For example, thermoplastic scrap averaged 45% during testing but had an instantaneous variation of approximately 40% to 50%. Similarly the percentage of poly(ethylene-co-vinyl acetate) was nominally held at 10% but had an instantaneous variation of approximately 8% to 12%.

**35 USC §112, second paragraph objection**

The examiner entered a 35 USC §112, second paragraph objection for allowing "high scrap content" within claims to equal 0% scrap (see Detailed Action item 2). Claims 1 and 10 have been amended from "up to" to "15% to" to obviate this objection. High scrap content is commonly considered to be 15% or greater. As identified in the specification, 50% is a practical limitation for the maximum amount of scrap. The resultant range 15% to 50% is comparable to other references known in the art. For example, in the specification is identified US Patent 5,728,741 to Zegler *et al.* that recycles in amounts of 15% to 50% scrap (see Abstract and Claim 1).

**Claim Rejections Resultant from U.S. 6,207,754 (Yu)**

Examiner has entered a rejection of claims in view of U.S. Patent 6,207,754 to Yu. Claims 1 through 18, as above amended, are patentably distinct from Yu by virtue of the thermoplastic scrap content. Examiner's comparison was based upon the lower range of incorporated thermoplastic scrap (i.e. none). As the range of incorporated scrap has been amended in keeping with the claim preamble, claims 1 through 18 no longer read upon Yu.

Claims 19 through 26, as amended are patentably distinct from Yu by virtue of the plasticizer content. Further the impact modifier of claim 20 is neither EPDM rubber ("OCE") nor single sited catalyzed polyethylene elastomer ("plastomer").

**Claim Rejections Resultant from U.S. 5,852,115 (Young et al.)**

Examiner has entered a rejection of claims 1 through 18 in view of U.S. Patent 5,852,115 to Young *et al.* Claims 1 through 18, as above amended, are patentably distinct from Young in that the blending composition does not contain an acrylic acid grafted polypropylene (e.g. Polybond™ 1001) nor a maleic anhydride modified polypropylene (DuPont BYNEL™ CXA E302).

Appl. No. 09/825,585  
Amdt. dated Jul 30, 2003  
Reply to Office action of Jul 8, 2003

Subsequent to entry of the above amendments, applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, applicant respectfully requests a telephone interview. Attorney for the applicant may be reached at the number listed below.

Respectfully submitted,

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